

## **Article I. Purpose**

The purpose of the Public Interest Declassification Board (the Board) and these bylaws is to fulfill the functions assigned to the Board by statute.

## **Article II. Authority**

Public Interest Declassification Act of 2000 (P.L. 106-567, December 27, 2000) as amended by the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458, December 17, 2004) (the Act).

## **Article III. Membership**

A. Membership. Appointments under section 703(c) of the Act establish the membership of the Board.

B. Chairperson. As provided in section 703(d) of the Act, the President shall select the Chairperson from among the members.

C. Vice Chairperson. The members may elect from among the members a Vice Chairperson who shall:

1. Chair meetings that the Chairperson is unable to attend; and
2. Serve as Acting Chairperson during a vacancy in the Chairperson of the Board.

## **Article IV. Meetings**

A. Purpose. The primary purpose of Board meetings is to discuss and bring formal resolution to matters before the Board.

B. Frequency. The Board shall meet at the call of the Chairperson, who shall schedule meetings as may be necessary for the Board to fulfill its functions in a timely manner. The Chairperson shall also convene the Board when requested by a majority of its members.

C. Quorum. Meetings of the Board may be held only when a quorum is present. As provided for in section 703(e) of the Act, a quorum requires the presence of at least a majority of the members.

D. Attendance. To the greatest extent feasible, meetings of the board will be open to the public. In those instances where the Board finds it necessary to conduct business at a closed meeting, attendance at meetings of the Board shall be limited to those persons necessary for the Board to fulfill its functions in a complete and timely manner, as determined by the Chairperson.

E. Agenda. The Chairperson shall establish the agenda for all meetings. Potential items for the agenda may be submitted to the Chairperson by any member or the Executive Secretary. Acting through the Executive Secretary, the Chairperson will distribute the agenda and supporting materials to the members as soon as possible before a scheduled meeting.

F. Minutes. The Executive Secretary shall be responsible for the preparation of each meeting's minutes and the distribution of draft minutes to each member. The minutes will include a record of the members present at the meeting and the result of each vote. At the subsequent meeting of the Board, the Chairperson will read or reference the draft minutes of the previous meeting. At that time the minutes will be corrected, as necessary, and approved by the membership and certified by the Chairperson. The approved minutes will be maintained among the records of the Board.

## **Article V. Voting**

A. Motions. When a decision or recommendation of the Board is required to resolve a matter before it, the Chairperson shall request or accept a motion for a vote. Any member, including the Chair, may make a motion for a vote. No second shall be required to bring any motion to a vote. A quorum must be present when a vote is taken.

B. Eligibility. Only the members, including the Chair, may vote on a motion before the Board.

C. Voting Procedures. Votes shall ordinarily be taken and tabulated by a show of hands.

D. Passing a Motion. In response to a motion, members may vote affirmatively, negatively, or abstain from voting. Except as otherwise provided in these bylaws, a motion passes when it receives a majority of affirmative votes of the members voting.

E. Votes in a Non-meeting Context. The Chairperson may call for a vote of the membership outside the context of a formal Board meeting. The Executive Secretary shall record and retain such votes in a documentary form and immediately report the results to the Chairperson and other members.

#### **Article VI. Support Staff**

As provided in section 703(d)(2) of the Act, the Director of the Information Security Oversight Office will serve as Executive Secretary to the Board, and, in accordance with section 703(j) of the Act, the staff of the Information Security Oversight Office will provide program and administrative support for the Board. The Executive Secretary will supervise the staff in this function pursuant to the direction of the Chairperson and Board. On an as needed basis and in accordance with section 703(f) of the Act, the Board may seek detailees from its member agencies to augment the staff of the Information Security Oversight Office in support of the Board.

#### **Article VII. Records**

A. Integrity of Board Records. The Executive Secretary shall maintain separately documentary materials, regardless of their physical form or characteristics that are produced by or presented to the Board or its staff in the performance of the Board 's functions, consistent with applicable federal law.

B. Referrals. Any Freedom of Information Act request or other access request for a document that originated within an agency other than the Board shall be referred to that agency for processing.

**Article VIII. Procedure for Handling Congressional Requests to Declassify Certain Records Specific Records and Making Recommendations to the President**

A. This Article sets forth the procedures for considering a proper request under the Act from a committee of jurisdiction in the Congress for the Board to make a recommendation to the President regarding the declassification of certain records.

B. Narrowing of Requests. To expedite the resolution of requests, and under the direction of the Chair, the Executive Secretary is authorized to consult with the requesting committee in order to narrow or prioritize the scope of the request.

C. Standards for decision. A recommendation to declassify a record in whole or in part requires a determination by the Board, after careful consideration of the views of the original classifying authority, that declassification is in the public interest. A decision to recommend declassification in whole or in part requires the affirmative vote of a majority of a quorum of the Board, and of no less than four members of the Board, and the vote of each member present shall be recorded.

D. Resolution of Requests. The Board may recommend that the President: (1) take no action pursuant to the request; (2) declassify the record(s) in whole or in part, pursuant to action taken in accordance with paragraph C; or (3) remand the matter to the agency responsible for the record(s) for further consideration and a timely response to the Board.

E. Notification. The Chair shall promptly convey to the President, through the Assistant to the President for National Security Affairs and to the agency head responsible for the record(s), the Board's recommendation, including a written justification for its recommendation.

F. Protection of Classified Information. Any classified information contained in the request file shall be handled and protected in accordance with the Order and its implementing directives. Information that is subject to a request for declassification under this section shall remain classified unless and until a final decision is made by the President or by the agency head responsible for the record(s) to declassify it. In all cases, the decision to declassify information rests solely with the President or agency responsible for the records. Decisions to release declassified information similarly rest with the responsible agency rather than the Board. The Executive Secretary shall refer all access demands to the responsible agency.

G. Maintenance of File. The Executive Secretary shall maintain the request file among the records of the Board.

#### **Article IX. Annual Reports to Congress**

As provided in section 706(e) of the Act, pertinent information and data about the activities of the Board shall be included in the report to the appropriate congressional committees. The Chairperson, in coordination with the other members of the Board and the Executive Secretary, shall determine what information and data to include in each Report.

#### **Article X. Approval, Amendment, and Publication of Bylaws**

The approval and amendment of these bylaws shall require the affirmative vote of at least five of the Board 's members. The Executive Secretary shall submit the approved bylaws and their amendments for publication in the **Federal Register**.